

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1151 be amended to read as follows:

- 1 Page 11, between lines 29 and 30, begin a new paragraph and insert:
2 "SECTION 10. IC 3-12-6-21.7 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21.7. (a) **The**
4 **recount commission shall count the ballots in each precinct**
5 **separately.**
6 **(b)** Unless the recount commission makes a finding under subsection
7 ~~(b)~~, **(c), and issues an order under subsection (d)**, the recount
8 commission shall
9 ~~(1)~~ count ballots in accordance with this article. ~~and~~
10 ~~(2) not order that all ballots in a precinct not be counted.~~
11 ~~(b)~~ **(c)** If
12 ~~(1)~~ a party to the recount presents evidence of fraud, tampering,
13 or misconduct ~~affecting that occurred in a precinct, the~~
14 **commission may make a finding that the fraud, tampering,**
15 **or misconduct affected** the integrity of the ~~ballot~~ **balloting** within
16 **a that precinct and**
17 ~~(2) to the extent that the commission determines that the fraud,~~
18 ~~tampering, or misconduct within that precinct was so pervasive~~
19 ~~that it is impossible for the commission is unable~~ to determine the
20 approximate number of votes that each candidate received in that
21 precinct.
22 **(d) If the commission makes a finding under subsection (c), the**
23 commission may order that none of the ballots from that precinct be

1 counted.

2 **(e) If the commission adopts an order permitted by subsection**
3 **(d), the commission shall determine the number of votes received**
4 **by each candidate without including any votes cast in the affected**
5 **precinct."**

6 Renumber all SECTIONS consecutively.

(Reference is to HB 1151 as printed January 30, 2004.)

Representative Thompson